

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

RONALD LEE KIDWELL,

Plaintiff,

v.

CASE NO. 21-3214-SAC

(FNU) MENNING,

Defendant.

MEMORANDUM AND ORDER

Plaintiff brings this pro se civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff is confined at the Johnson County Adult Detention Center in Olathe, Kansas (“JCADC”). The Court granted Plaintiff leave to proceed in forma pauperis. On September 10, 2021, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 3) (“MOSC”), granting Plaintiff until October 8, 2021, in which to show good cause why his Complaint should not be dismissed for the reasons set forth in the MOSC or to file a proper amended complaint to cure the deficiencies. Plaintiff has failed to respond by the Court’s deadline.

Plaintiff alleged in his Complaint that Deputy Menning refuses to comply with the mask mandate at the JCADC. The Court found in the MOSC that Plaintiff fails to seek a proper remedy in his Complaint. Plaintiff seeks discovery in the form of camera footage, seeks to have Deputy Menning suspended without pay for sixty days, and seeks \$500 in “restitution pay.” The Court found that to the extent Plaintiff seeks Deputy Menning’s suspension in his request for relief, the Court is without authority to grant such relief; Plaintiff’s request for compensatory damages is barred by 42 U.S.C. § 1997e(e), because Plaintiff has failed to allege a physical injury; and any request for discovery at this stage of the proceeding is premature because Plaintiff’s Complaint has not survived screening.

The Court's MOSC provided that "[i]f Plaintiff does not file an amended complaint within the prescribed time that cures all the deficiencies discussed herein, this matter will be decided based upon the current deficient Complaint and may be dismissed without further notice." (Doc. 3, at 7.) Plaintiff has failed to respond to the Court's MOSC and has failed to show good cause why his Complaint should not be dismissed for the reasons set forth in the MOSC.

IT IS THEREFORE ORDERED BY THE COURT that this matter is **dismissed** for failure to state a claim.

IT IS SO ORDERED.

Dated October 15, 2021, in Topeka, Kansas.

S/ Sam A. Crow
SAM A. CROW
SENIOR U. S. DISTRICT JUDGE